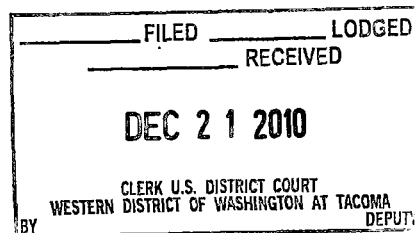


1 Mark Baker-Plaintiff, pro-se
2 5007 Monta Vista Drive-East
3 Edgewood, WA. 98372-9276
4 253-891-3411



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8
9
10 **IN THE UNITED STATES DISTRICT COURT***
11 **WESTERN DISTRICT OF WASHINGTON**
12 **TACOMA DIVISION**

13 Mark Baker

14 Plaintiff

15 v.

16 J. Zachery Lell

17 Government of the City of Edgewood
18 Edgewood Council Members:
19 Jeff Hogan-Mayor
20 Mike Kelly, Deputy Mayor
21 Paul Crowley, Council Member
22 Daryl Eidinger, Council Member
23 Donna O'Ravez, Council Member
24 Dave Olson, Council Member
25 Steve Cope, Council Member
26 Mark Bauer, City Manager

27 Defendants

CV 10 5927 RJB

No:

COMPLAINT

VIOLATION OF
CONSTITUTIONAL
RIGHTS

Jury Trial Demanded

28 COMPLAINT

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#11 pending no summons

1 COME NOW the Plaintiff above named for a cause of action against the
2 Defendants alleged as follows;

3
4 I. PARTIES

5 1.1 Plaintiff Baker is a resident of Pierce County, Washington State.

6 1.3 Defendant City of Edgewood is an incorporated city within Pierce County,
7 Washington State.

8 1.4 Other parties may be later added as Discovery uncovers their role
9 within this allegation.

10
11 II. JURISDICTION

12 2.1 The subject matter of this complaint involves conduct and actions
13 performed by the Defendants and alleged to have occurred in Pierce
14 County, Washington State within this Courts jurisdiction and which is a
15 violation of the Constitution of the United States. Jurisdiction is vested
16 within this Court by virtue of violations of the United States Constitution.

17
18
19 III. GENERAL OVERVIEW OF THE COMPLAINT

20 Plaintiff became involved in a homeless housing project which provides
21 shelter and other services to the homeless during cold nights by offering
22 shelter in unused portions of his house. Housing is offered on a sliding
23 scale household bill reimbursement rate and includes total charity for those
24 who can not pay.

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1 The program has been effective in helping many people recover their lives
2 and other homes in other areas have participated in this program.

3 3.5 Shortly after new household members began to arrive, those who were
4 Black, Hispanic, and Oriental began to complain that the local police were
5 stopping them repeatedly as they walked to the store in this almost
6 exclusive White community and especially as they walked by the Mayors
7 large house which is located just one property away from Plaintiff Baker's
8 property which is a modest size home built in the 60's but which sits at the
9 top of the hill with superb city views below. Later in this complaint the
10 importance of this information will be revealed.
11

12 3.6 Shortly thereafter, the Edgewood Police, a contracted police service
13 through the Pierce County Sheriff, began to make regular visits to
14 Plaintiff Baker's property and demanded to know what was going on in
15 there, meaning in the residence. It was explained that it was a normal
16 roommate situation with people contributing their money to share housing
17 costs. The police demanded entry to search the house but were refused.
18

19 3.5 Shortly thereafter, the Edgewood City Manager, Mark Bauer, sent out a
20 notice to the property address demanding that housing the homeless be
21 discontinued. Many return response letters were sent back to the city
22 requesting clarification as to who could occupy a property.
23

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1 3.6 In one undisputed phone conversation, the City Manager said that only
2 those people whom are on the deed may occupy the property and no
3 others. As unusual as this may be with no such requirement imposed on
4 any other city resident and believed to be on any other person in the nation
5 as far as research can tell, Plaintiff Baker complied by granting a legal
6 interest to all occupants.
7

8 3.7 Emails obtained through public records request show that the city seemed
9 internally confused as to what alleged violation had occurred and city
10 provided written information still remains vague. What is known by a
11 short survey is that over 100 other Edgewood residences had similar living
12 situations however it seemed as though Plaintiff Baker was being targeted
13 perhaps because the Mayor lived on the same street as he.
14

15 3.8 Although the home and the household members residing within it are the
16 friends of Plaintiff Baker, it appears that for some unknown reason the city
17 focused their dispute on household member Beaumont even though
18 written letters to them instructed them to make all complaints to the
19 recorded owner and that Beaumont is no longer owner of the property as
20 evidenced by county recordings.
21

22 3.9 All responsibilities for occupancy are to be addressed to the recorded
23 property owner, Plaintiff Baker, as he had sole control over the home
24

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1 except for tasks assigned to Beaumont as a medical caregiver. Upon that, it
2 appeared that the city police department began a campaign of harassment
3 under the color of law. Some of those harassment incidents include the
4 following:
5

6 3.10 Surveillance of the property by constant police patrols sitting on the street
7 and circling the block. In one incident, the recent Edgewood Craigslist
8 murder incident occurred in the city just a short distance away from the
9 Plaintiff's property while officers were apparently assigned to observe the
10 Plaintiff's property as all were observed concentrated near it
11 apparently waiting for a house member to enter or exit and for them to
12 stop and question him as they had done many times before.
13

14 3.11 Entry into private areas of the home without invitation and without a
15 warrant including into gated private yards and an unlocked lower floor rear
16 door not normally open to the public whom would visit the property even
17 after being told verbally and in writing to stop the illegal conduct.
18

19 3.12 In one incident discussed in 3.15 below, Edgewood Police Chief Knutson
20 left the area where he had just issued a summons to a resident who had just
21 dropped off other household residents at the local food bank. After issuing
22 the summons but strangely doubled back around to see if the house
23 member Beaumont was still parked. Plaintiff Beaumont observed that the
24

1 Chief then sped off towards the plaintiff's property just a short distance
2 away. After the plaintiff returned to the property, an ill guest who had
3 remained at the property reported that the Chief was observed sneaking
4 around the house and attempting entry into private areas of the property
5 and entering without a warrant. The Chief was confronted by the house
6 member who said that the Chief seemed surprised that someone was at
7 home believing that all were at the food bank dinner and he began to
8 stumble on his words. Chief Knudson commented that he was there to tell
9 the house member that he had just given Larry (Beaumont-a temporary
10 house member) a ticket and just wanted to let him know that. The Chief
11 then made a hasty retreat.
12

13
14 3.13 Traffic stops of both vehicles and pedestrians believed to have exited the
15 property. In some cases even individuals walking from other residences or
16 through the area were stopped and accused of exiting the Plaintiff's
17 property and were questioned regarding property activities. The Plaintiff
18 did not even know these people even though they took the time to walk
19 back to the property to inform him of the stop asking what is up with these
20 cops here.
21

22 3.14 Attempting to solicit household members to act as "agents of the police"
23 and in some cases alluded that they would let them go from a traffic stop if
24 they cooperated and when they refused, made them subject to harassment.
25

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3.17 Interference with religious activities by following vehicles and individuals departing the property as they went to events that followed the teachings of it. Police Chief Knudson on one visit to the property verbally taunted a household members belief in his religion and claim of being religious.

COMPLAINT.

1 want to taint their source. Police refused to add this information to the
2 report.

3 3.21 Harassment of a household members not waiving their constitutional
4 rights to be questioned by the police which resulted in repeat pedestrian
5 stops, some as many as ten or more times.

6
7 3.22 Attempting to create a criminal scenario out of an incident with a former
8 drug abusing house member and who tested positive on a substance
9 abuse test. The former house member apparently engaged in a voluntary
10 sex act with another house member. The alleged "victim" was a 26 year
11 old man and had received coaching from the police as to how to structure
12 his complaint so as to make it appear that a criminal event took place
13 rather than it being a consensual sex act with another unknown adult house
14 member. The "complainant also made claims of indecent exposure even
15 though the house is occupied by all adult males living in a very confined
16 space. The former house member as part of his Membership Agreement
17 had signed extensive legal documentation stating that he had no right
18 to privacy and that the all adult male household can and often do casually
19 lounge about as one would expect in their own home. To date, the facts of
20 the complaint have not been fully disclosed to the household member
21 Beaumont who was forced to directly respond to the Prosecutor because
22 the police attempted to structure the Complaint to their advantage.

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- 1 3.23 In a later lawsuit filed against one complainant (former house
2 member), he said during a phone conversation when discussing if he
3 would be willing to voluntarily accept legal service on him, that a
4 Detective Johnson told him he would except legal service for him-
5 something not permitted under the court rules of service.
6
- 7 3.24 Staking out the local food bank on days when it is known that the
8 household members arrive to eat a dinner. In one recent incident, Chief
9 Knutson and two other patrol cars did so covering both entrances a city
10 block apart. As the driver pulled into the parking lot, he followed and
11 issued a summons for not having an in state drivers license and one for
12 operating an illegal boarding house even though the driver is a resident of
13 another state and not the recorded owner of the property. Police also
14 stopped other non-household member food bank users and wanted to
15 know what other vehicles were used to transport people there from the
16 Plaintiff's household.
17
- 18 3.25 Interference with religious activities and making comments denouncing a
19 household members religion.
20
- 21 3.26 Acting under the color of law with matters of the city which are illegal in
22 nature, vague in wording, and without providing clear and concise
23 responses to the Plaintiff's written requests when asked numerous times
24 requesting clarification.
25
26

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1 3.27 Police harassment to keep the Plaintiff and other household members from
2 testifying in any upcoming civil damage trial for the Widow and family of
3 the Craigslist murder victim.

4
5 3.28 Creating a situation which has made the Plaintiff Baker lose his property
6 right to quiet enjoyment by constructive conduct performed actions
7 amounting to Eminent Domain without just compensation, a violation of
8 the United States Constitution.

9 3.30 Police and city retaliatory conduct against temporary house member
10 Beaumont for using legal self-help to counter accusations made by them. . . .

11 3.32 Retaliatory acts because the Mayor, Defendant Hogan, whom lives a door
12 away from the Plaintiff, had a Mayors friend property purchase offer
13 rejected by the Plaintiff. Plaintiff owns a highly desirable property which
14 overlooks the city lights and has a Mount Rainier view with a tax view
15 enhancement assessed by the county.

16
17 3.32 Retaliatory acts because a friend of the Mayor whom purchased and built a
18 large home structure across the driveway from the Plaintiff and which
19 dwarfs the Plaintiff's home resulted in a legal dispute because the Plaintiff
20 would not allow him to move the overhead power lines without providing
21 underground service to his residence and because the Plaintiff won a legal
22 victory concerning an adverse possession claim. The Plaintiff had lived in
23

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1 his modest size home for about 16 years before any dispute with neighbors
 2 occurred. This neighbor later went on to illegally have the Plaintiff's cable
 3 TV wire disconnected when he was not at home.

4
 5 3.33 Chief Knutson continued to question the Plaintiff's terminally ill
 6 registered domestic partner of 31 years on many occasions even after being
 7 told that spousal privilege was permanently invoked. The Chief continued
 8 to use intimidation techniques to question him after waiting for the other
 9 spouse to first leave the home.

10 3.34 Retaliatory acts because a side neighbor, who once worked for the owner . . .
 11 of the large home at 4923 Monta Vista Drive-East in Edgewood referred to
 12 in 3.32 above and who purchased their property from him after he placed a
 13 height restriction on it, later became involved in a legal dispute because
 14 they allegedly disliked a homosexual (plaintiff & partner) couple of 31
 15 years residing next to them. These retaliatory acts included the owners
 16 calling in a false complaint to Crime Stoppers as well as repeating the
 17 same complaint almost word for word a few years later to the city in
 18 written format and which resulted in an unjust and false complaint. This
 19 neighbor was also cited by the city for doing construction without a permit
 20 and had verbally accused house member Beaumont of making the
 21 complaint even though that was impossible since that was the time period

1 he was hospitalized with a massive stroke. Even though the city had
 2 sufficient information to know that the complaint was false, they used this
 3 as a reason to begin an investigation into a the faith based housing
 4 program in which the Plaintiff participates.
 5

6 3.34 Chief Knutson disclosed confidential medical information regarding
 7 Plaintiff Baker to others when attempting to solicit household
 8 information.
 9

10 3.35 Demands by City Manager Mark Bauer that Plaintiff Baker permit
 11 a warrantless search of his private home with so many officials listed
 12 that they would not be able to fit comfortably inside any one room
 13 at any one moment.
 14

15 3.36 Demands by Chief Knutson that the name of every person who enters the
 16 property be given to him and threats to the house member Beaumont for
 17 failing to do so.
 18

19 3.34 Retaliation because the Plaintiff had filed another past lawsuit against a
 20 local police agency.
 21

22 3.35 Police Chief Knutson contacting the County Health Department and
 23 requesting that they use their power to close down the house under the
 24 guise that the septic system had failed. Later tests by both the Health
 25 Department and Plaintiff's insurer's own private engineers identified the
 26

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1 water source as non-sewage run-off caused by "ground compression" from
 2 the large house located at 4923 Monta Vista Drive-East and which sits
 3 above the Plaintiff's property. Swab tests taken by the Health Department
 4 show that the water was not sewage. Emails communications between
 5 Chief Knutson and the Health Department Official address each other as
 6 friend and in fact the Plaintiff did receive an order to correct a non-existent
 7 problem or face threats of other legal actions, including arrest.
 8

9 3.36 Falsely claiming to a Washington State Court that legal service had been
 10 made on the Plaintiff. The Defendants court action was for a motion of . . .
 11 dismissal of the Plaintiff's State filed civil rights lawsuit. The case was
 12 dismissed for non-attendance of the hearing by the Plaintiff and which
 13 resulted in a complaint to the Washington State Bar Association regarding
 14 Defendant Lell alleged misconduct..
 15

16 3.35 As of the filing of this lawsuit, the Defendants continue to violate the civil
 17 rights of the Plaintiff.
 18

19 IV CAUSES OF ACTION AGAINST THE DEFENDANTS:

20 4.1 Reallage the facts as stated within. Defendant Lell did violate the 7th,
 21 Amendment of the United States Constitution by fabricating and falsely
 22 swearing before a Court of Law that legal process service had been made
 23 to the Plaintiff thereby causing the Court to act upon false information.
 24

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1 4.2 Reallage the facts as stated within. The Defendants acting together and/or
2 alone did by their conduct fail to properly monitor Defendant Lell whom
3 was acting as their legal counsel and therefore should be held equally
4 responsible because they had the power to stop the violation, but failed to
5 do so.
6

7 4.2 Reallage the facts as stated within. The Defendants did violate the
8 Plaintiffs 4th Amendment Right by acting or failing to act to prevent the
9 illegal entry into the Plaintiff's home even though instructed to do so by
10 the Plaintiff verbally and in writing. The Defendants acting together and/or
11 alone did by their conduct or failure to act to prevent it, invade the sanctity
12 of the plaintiffs home without legal cause and without the authority of the
13 law.
14

15 4.3 Reallage the facts as stated within.
16 The Defendants violated the Plaintiff's Constitution Right to freely
17 exercise his religion in violation of the 1st Amendment of the United States
18 Constitution.
19

20 4.4 Reallage the facts as stated within. The Defendants did violate the
21 Plaintiff's right to "Just Compensation" by creation of such illegal conduct
22 under the color of legal authority that it made him fearful of residing on
23 the property. The Defendants acting together and/or alone did exercise
24

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Eminent Domain over Plaintiff's Baker property by constructive means and without payment of "Just Compensation".

4.5 Reallage the facts as stated within. The Defendants did violate the Plaintiff's 4th and 5th Amendment Rights under the United States Constitution by fabricating information provided on a probable cause Affidavit submitted to a Washington Court of law requesting the issuance of a criminal arrest warrant. The warrant was granted causing the Plaintiff irreparable harm even if later found not guilty.

V. WHEREFORE, Plaintiff prays for judgment as follows;

5.1 That the City of Edgewood be ordered to pay "Just Compensation" for the Plaintiff's property for acts amounting to Eminent Domain. or that the Court set a penalty for their conduct not less than two million dollars for each incident which contributed to this violation.

5.3 That the Defendants, jointly and severely, pay the Plaintiff 10 million dollars for each violation of Constitutional Rights that they either committed or were in power to stop.

5.5 The acts alleged here to have been committed by the Defendants were committed with malice, lack of concern for the rights of citizens, and with gross disregard for the sacred rights afforded to citizens of this United

1 States. The Plaintiff request that punitive damages be set at 40 million
2 dollars or greater.

3 5.6 That the Plaintiff be awarded anticipated medical costs for treatment
4 caused by this traumatic event.

5 5.7 Other awards for damage as the Court may find as just.

6 5.8 Interest as determined at trial and until the day of full payment.

7 5.9 Legal costs including professional expert witness fee's.
8
9

10 VI JURY DEMAND
11

12 6.1 The Plaintiff requests that a Jury hear the facts of this case.
13
14
15
16

17 DATED this 21st day of December, 2010.
18

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20 
21 Mark Baker, Plaintiff Pro-Se

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